

Message Text

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ACTION ARA-10

INFO OCT-01 IO-10 ISO-00 L-02 MMS-04 ARAE-00 OIC-02 INRE-00

SSO-00 USIE-00 CIAE-00 DODE-00 INR-07 NSAE-00 PA-02

RSC-01 PRS-01 SP-02 COME-00 EB-06 LAB-03 SIL-01 CU-04

H-02 AID-05 OMB-01 PM-03 (ISO) W

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O 251342Z OCT 74

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 8890

AMEMBASSY SANTIAGO IMMEDIATE

USUN NEW YROK IMMEDIATE 1085

UNCLAS GENEVA 6560

USUN FOR AMB FERGUSON

E.O. 11652: N/A

TAGS: UNGA, SHUM, CI

SUBJECT: ICJ REPORT ON HUMAN RIGHTS

REF: A. USUN 4392; B) STATE 234485

FOLLOWING FULL TEXT INTERNATIONAL COMMISSION OF JURISTS PRESS RELEASE
RE CHILE DATED OCTOBER 24, 1974 WHICH APPEARS TO HAVE BEEN BASIS
FOR NYT ARTICLE MENTIONED REF A. ICJ STATES RELEASE IS A SUPPLEMENT
TO ITS PREVIOUS REPORTS ON CHILE AND THAT IT IS NOT A SUMMARY OF
A FURTHER FULLER REPORT THAT HAS BEEN PREPARED. BEGIN TEXT:

CHILE-THE SHOW AND THE REALITY

ACCORDING TO RECENT INFORMATION WHICH HAS REACHED THE INTER-
NATIONAL COMMISSION OF JURISTS FROM CHILE, THE POLITICAL REPRESSION,
SO FAR FROM BEING RELAXED, IS MORE UBIQUITOUS AND MORE SYSTEMATIC
THAN AT ANY TIME SINCE THE COUP D'ETAT IN SEPTEMBER 1973.

IT IS NOW CLEAR THAT THE STATMENTS IN GENERAL PINOCHET'S
SPEECH OF SEPTEMBER 11, 1974, ANNOUNCING THE END OF THE "STATE

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OF WAR" AND THE PROPOSED LIBERATION OF ALL PERSONS IN DETENTION

WHO WERE READY TO GO ABROAD, WERE DESIGNED FOR EXTERNAL CONSUMPTION.

THE EXPECTATIONS WHICH THE SPEECH AROUSED INTERNALLY WERE DASHED WITHIN A FEW DAYS BY A COMMUNIQUE ISSUED BY THE MINISTER OF THE INTERIOR, GENERAL BENAVIDES, EXPLAINING THAT THERE WOULD BE NO MASS LIBERATION OF PRISONERS AS HAD BEEN REPORTED IN THE PRESS, THAT THE INVESTIGATION OF PEOPLE DETAINED UNDER THE "STATE OF SIEGE" WAS CONTINUING, AND ONLY THOSE WOULD BE RELEASED WHO THE INVESTIGATION SHOWED DID NOT CONSTITUTE A DANGER TO PUBLIC SAFETY.

GENERAL PINOCHET'S ANNOUNCEMENT OF THE ENDING OF THE STATE OF WAR WOULD, IF IT STOOD BY ITSELF, HAVE MEANT THE TERMINATION OF THE WHOLLY SUMMARY SYSTEM OF "MILITARY JUSTICE IN TIME OF WAR", WHICH HAS BEEN SO SEVERELY CRITICISED BY LEADING CHILEAN JURISTS (SEE REPORT OF ICJ MISSION TO CHILE, PUBLISHED ON SEPTEMBER 5, 1974). HOWEVER, GENERAL PINOCHET FAILED TO MENTION IN HIS SPEECH THAT ON THE PRECEDING DAY A NEW DECREE LAW NO 640 HAD BEEN ISSUED APPLYING THE PROVISIONS OF "MILITARY JUSTICE IN TIME OF WAR" TO THE STATE OF SIEGE WHICH CONTINUES IN FORCE. THERE IS, THEREFORE, NO CHANGE IN THE LEGAL SYSTEM, WHICH CONTINUES TO CONTRAVENE BASIC PRINCIPLES OF JUSTICE ACCEPTED AMONG CIVILISED NATIONS.

FOR EVERY DETAINEE WHO HAS BEEN RELEASED IN RECENT MONTHS, AT LEAST TWO NEW ARRESTS HAVE BEEN MADE.

IN THE FOUR MONTHS FROM MAY TO AUGUST 1974, OVER 700 ARRESTS OF POLITICAL SUSPECTS ARE KNOWN TO HAVE OCCURRED. HALF WERE RELEASED AFTER AN AVERAGE OF 30 DAYS, AND OVER HALF OF THOSE RELEASED HAVE DECLARED THEY WERE TORTURED. 75 PERCENT OF THESE ARRESTS WERE MADE BY UNIDENTIFIED PERSONS IN PLAIN CLOTHES ARMED WITH MACHINE GUNS, BUT WITHOUT THE ARREST WARRANT REQUIRED BY THE JUNTA'S OWN DECREES.

THE RESPONSIBLE AUTHORITIES DO NOT CHALLENGE THAT IT IS A REGULAR PROCEDURE FOR PERSONS TO BE ARRESTED WITHOUT WARRANT, STATING THAT IF AFTER INTERROGATION IT IS THOUGHT THAT THEY SHOULD BE FURTHER DETAINED, A WARRANT FOR THEIR ARREST IS THEN ISSUED. ALTHOUGH THIS PROCEDURE IS ILLEGAL, NO LEGAL REMEDY IS AVAILABLE TO PREVENT IT, AS WAS SHOWN IN THE REPORT OF THE ICJ MISSION.

APART FROM THESE INDIVIDUAL ARRESTS THERE HAVE BEEN MASS ARRESTS IN THE "POBLACIONES" (SHANTY TOWNS) APPARENTLY DESIGNED TO INTIMIDATE THE POPULATION. THE OFFICIAL EXPLANATION IS THAT THEY WERE TO ROUND UP KNOWN "COMMON LAW CRIMINALS". THE USUAL UNCLASSIFIED

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PROCEDURE WAS FOR A "POBLACION" TO BE SURROUNDED, HOUSE TO HOUSE SEARCHES TO BE CARRIED OUT, AND SOME HUNDREDS OF PEOPLE ARRESTED. 10,000 TO 15,000 PERSONS HAVE BEEN ARRESTED IN THIS WAY DURING RECENT MONTHS. MOST WERE RELEASED AFTER 7-10 DAYS. THE REMAINDER, BETWEEN 500-1,000 WERE DETAINED IN A CAMP IN THE NORTH. OFFICIALS OF THE MINISTRY OF THE INTERIOR HAVE CLAIMED THAT 75 PERCENT OF THE "COMMON CRIMINALS" SO ARRESTED PROVED TO BE MEMBERS OF THE COMMUNIST PARTY, A RIDICULOUS CLAIM

ON ANY BASIS, BUT ONE WHICH INDICATES THE POLITICAL CHARACTER OF THESE ROUND-UPS.

THE CONTROL BY THE MILITARY OVER EDUCATION HAS NOW BEEN EXTENDED FROM THE UNIVERSITIES TO THE SCHOOLS. EVERY SCHOOL, INCLUDING PRIVATE SCHOOLS, HAS A MILITARY OFFICER SUPVERSING DISCIPLINE AND THE RUNNING OF THE SCHOOL. HE SEES THAT NO TEACHER SAYS ANYTHING REMOTELY RELATING TO POLITICS. IN ONE SCHOOL A PARENT WAS WARNED BY THE MILITARY OFFICER THAT IF HE DID NOT ATTEND A PARENTS' MEETING HE WOULD BE ARRESTED AND DETAINED.

THE EFFECT OF THESE MEASURES HAS BEEN TO HEIGHTEN THE FEAR AND TENSION AMONG THE WORKING POPULATION. AS ONE INFORMANT PUTS IF "NO-ONE WILL SAY ANYTHING". UNTIL THE COUP OF 1973, CHILE WAS A "PARTICIPATORY DEMOCRACY" IN WHICH ALL SECTIONS OF THE POPULATION THROUGH THE TRADE UNIONS, PROFESSIONAL ASSOCIATIONS, STUDENT UNIONS, MOTHERS' UNIONS, COMMUNAL ASSOCIATIONS AND OTHER GROUPINGS TOOK AN ACTIVE PART IN WHAT WAS HAPPENING IN THE COUNTRY. ALL THIS HAS NOW BEEN SYSTEMATICALLY SUPPRESSED, AND THIS IS PERHAPS THE GREATEST INJURY OF ALL TO HAVE BEEN INFLICTED ON THE PEOPLE OF CHILE.

STOP PRESS

INFORMATION HAS JUST BEEN RECEIVED THAT OVER 600 FURTHER ARRESTS HAVE BEEN MADE SINCE THE DEATH OF THE MIR LEADER MIGUEL ENRIQUES ON OCTOBER 5, 1974. IN ADDITION, 107 PERSONS HAVE TAKEN REFUGE IN THE ITALIAN EMBASSY IN SANTIAGO.

THE MINISTER OF THE INTERIOR'S COMMUNIQUE OF OCTOBER 6 STATING THAT THERE WERE ONLY 748 PERSONS LEFT IN DETENTION UNDER THE STATE OF SIEGE IS REGARDED BY CHILEAN DEFENCE LAWYERS AS ABSURD. THE FIGURE MAY RELATE TO THOSE FOR WHOM A FORMAL DETENTION ORDER HAS BEEN MADE. END TEXTABRAMS

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